

From: [Nancy Fitz](#)
To: [Joanne Durand](#)
Subject: Re: Questions
Date: 09/16/2011 10:44 AM

Hi Joanne,

I will call you in a little bit to discuss the question you left on my voicemail yesterday. Also, this confirms that I did receive your September 12 email. We can discuss questions #2 and 3 by phone, to make sure that I understand the situation. I've copied a Q&A that addresses #1. Last, I did receive Dennis' email - it is in the queue.

Question: Will intra-company shipments of pesticides in minibulks be held to the same container standard? A few are arguing that they are not distributing since ownership doesn't change hands. For what it is worth we plan on telling them no matter what - do the right thing because it is the right thing to do - only use containers that meet the new standard.

Answer: A registrant can transfer an unregistered pesticide from one of its facilities to another in compliance with 40 CFR 152.30 and, in this situation, the pesticide container regulations would not apply. For everyone else and for registrants transferring registered pesticides, moving a portable refillable container (minibulk) from one piece of a company's property to another location of that same company is considered to be distribution and the portable refillable container will be subject to the refillable container regulations after August 16, 2011.

However, service containers are different. If an applicator transfers a pesticide into a container for the purposes of that applicator applying the pesticide, the container is considered to be a "service container." A service container is defined as "any container used to hold, store, or transport a pesticide concentrate or a pesticide use-dilution mixture, other than the original labeled container in which the product was distributed or sold, the measuring device, or the application device." As discussed in the preamble of the 2006 final container and containment rule (71 FR 47383, August 16, 2006), EPA does not currently regulate service containers although we do believe that it is a good management practice to ensure that the contents of service containers are identified and that the label of a pesticide product that is in a service container is available to the person handling and/or applying the pesticide.

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▼ ["Joanne Durand" ---09/12/2011 09:40:34 AM---Hi Nancy.](#)

From: "Joanne Durand" <joanne@aginfoldata.com>
To: Nancy Fitz/DC/USEPA/US@EPA
Date: 09/12/2011 09:40 AM
Subject: Questions

Hi Nancy,

Couple more questions...

1. If a shuttle that has product in it is being moved from warehouse to warehouse or location to location within the same company, does it still need to have a tamper evident device on it? Or can the device be put on just at the final location?
2. What about shuttles with no UN marking on them; is there a registrant list somewhere for them? They have been tested and inspected.
3. And last, the tanks with 31HA1 marking ...another customer is asking about what packing group it falls under and then is wondering if they can be washed and reused. (he says they say non-returnable and have one-way valves).

As always, thank you!!

Oh wait, one of the companies that we collaborate with had sent you an e-mail when we first started holding the labeling webinars and was curious if you had seen it yet or not; it would've been from Dennis Setzsepfandt at WCI...he knows how busy you and totally understands it may take some time to respond, but he just wanted to make sure you received it and it didn't go into your junk mail.

THANK YOU!!!

Joanne Durand

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